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U.S. DISTRICT COURT, N.D.O.
CLEVELAND

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99DEC-3 AM 8:56

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U.S. ATTORNEYS
CLEVELAND, OHIO

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	CIVIL ACTION NO. 1:92CV1488
)	
v.)	
STERN ENTERPRISES, INC., <u>et al.</u> ,)	JUDGE ANN ALDRICH
)	
Defendants.)	STIPULATION AND ORDER
)	REGARDING PAYMENT OF
)	<u>STIPULATED PENALTIES</u>

WHEREAS, Plaintiff, the United States of America, on behalf of the United States Environmental Protection Agency ("U.S. EPA"), and Defendants Stern Enterprises, Inc.; and, Richard M. Stern, Regina Stern, Lynda Coslov, and Judy Guttman, as Co-Executors of the Estate of Ernest Stern (the "Stern Defendants"), entered into a Consent Decree that was entered by this Court on July 18, 1994 ("Consent Decree");

WHEREAS, the terms of the Consent Decree required, among other things, that the Stern Defendants pay stipulated penalties for violations of the Consent Decree;

WHEREAS, the United States contends that stipulated penalties are due for certain alleged violations of the Consent Decree, and the Stern Defendants dispute the alleged violations and the amount of stipulated penalties claimed by the United States;

WHEREAS, the United States and the Stern Defendants have determined that settlement of the aforementioned stipulated

penalties is in the public interest and that entry of this stipulation and order without further litigation is the most appropriate means of resolving this matter;

NOW, THEREFORE, before the taking of any testimony and with no finding or admission of liability against or by the Stern Defendants, the United States and the Stern Defendants hereby stipulate as follows:

1. The Stern Defendants shall pay to the United States a total stipulated penalty of \$700,000.00, plus interest on the unpaid balance at the annual rate of 8 percent from August 24, 1999, until the date of payment. Each of the Stern Defendants shall be jointly and severally liable for the total stipulated penalty and accrued interest due under this paragraph.

2. Payment shall be made as follows: \$200,000.00 shall be paid within thirty days after the date of entry of this Stipulation and Order; and the balance, including all accrued interest shall be paid on or before March 1, 2000.

3. Terms used in this Stipulation and Order shall have the same meanings as those contained in the Consent Decree entered in this case on July 18, 1994.

4. Payment of the \$700,000.00 stipulated penalty and accrued interest shall be by FedWire Electronic Funds Transfer ("EFT" or wire transfer) to the U.S. Department of Justice account in accordance with current electronic funds transfer procedures, referencing U.S.A.O. file number 1990V01639, and DOJ case number 90-5-2-1-1595A. Payment shall be made in accordance

with instructions provided to the Stern Defendants by the Financial Litigation Unit of the U.S. Attorney's Office for the Northern District of Ohio. Any payments received by the Department of Justice after 4:00 P.M. (Eastern Time) will be credited on the next business day. The Stern Defendants shall send notice that such payment has been made to:

Debt Tracking Unit
Environmental Enforcement Section
Environment and Natural Resources Division
U.S. Department of Justice
Washington, DC 20530

Susan Perdomo
Associate Regional Counsel
Office of Regional Counsel
USEPA C-14J
77 West Jackson Blvd.
Chicago, IL 60604

5. Payment of the stipulated penalty and accrued interest described in this Stipulation and Order shall constitute full settlement only of the Stern Defendants' liability for stipulated penalties and accrued interest under the Consent Decree entered in this case on July 18, 1994, with each party to bear its own costs and attorney's fees.

6. Neither this Stipulation and Order nor anything contained herein, nor any act or thing done in connection herewith, is intended to be or shall be construed or deemed to be an admission by the Stern Defendants of liability, fault or wrongdoing, or an admission by the Stern Defendants of any fact allegation or claim whatsoever, including any fact, allegation or claim alleged by the Plaintiff in or in connection with the above-captioned matter.

7. This Stipulation and Order does not affect the Stern Defendants' obligation to comply with all applicable Federal, State, or local laws or regulations.

8. The Consent Decree shall terminate as to the Stern Defendants upon payment in full of the stipulated penalty and accrued interest provided for in this Stipulation and Order.

IT IS SO ORDERED.

Dec. 1, 1999
DATE

R. Adair
UNITED STATES DISTRICT JUDGE

THE UNDERSIGNED PARTIES enter into this Stipulation and Order in the matter of United States v. Stern Enterprises, Inc., Case No. 1:92CV1488, N.D. Ohio

FOR THE UNITED STATES OF AMERICA

Nov 17, 1999
DATE

Joel Gross
Joel Gross, Chief
Environmental Enforcement Section
Environment and Natural
Resources Division
U.S. Department of Justice
Washington, D.C. 20530

November 8, 1999
DATE

Drenaye Houston
Drenaye Houston, Senior Attorney
Environmental Enforcement Section
Environment and Natural
Resources Division
U.S. Department of Justice
Washington, D.C. 20530

Emily M. Sweeney
United States Attorney
Northern District of Ohio

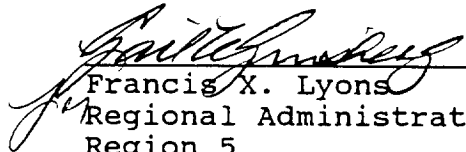
10/5/03
DATE

By: Arthur I. Harris

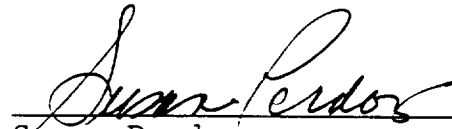
Arthur I. Harris #0027128
Assistant U.S. Attorney
1800 Bank One Center
600 Superior Avenue, East
Cleveland, Ohio 44114

UNITED STATES V. STERN ENTERPRISES, INC.,
CASE NO. 1:92CV1488, N.D. OHIO

Oct. 26 1999
DATE


Francis X. Lyons
Regional Administrator
Region 5
U.S. Environmental Protection
Agency
Chicago, Illinois 60604-3590

October 20, 1999
DATE


Susan Perdomo
Associate Regional Counsel
Office of Regional Counsel
U.S. Environmental Protection
Agency
Chicago, Illinois 60604

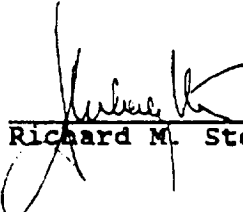
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THE UNDERSIGNED PARTY enters into this Stipulation and Order in the matter of United States v. Stern Enterprises, Inc., et al., Case No. 1:92CV1488, N.D. Ohio.

FOR STERN ENTERPRISES, INC.

Date:

Sep 21, 1999


Richard M. Stern

Date:

Joel Coslov

08/14/99 TUE 18:33 FAX 412 281 8822

SEP. 14. 1999 10:59AM USAO CIVIL DIVISION

WILLIAMS COULSON

NO. 8842 P. 13

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7

THE UNDERSIGNED PARTY enters into this stipulation and Order in the matter of United States v. Stern Enterprises, Inc., et al., Case No. 1:92CV1488, N.D. Ohio.

FOR STERN ENTERPRISES, INC.

Date: _____

Richard M. Stern

Date: 9/29/99

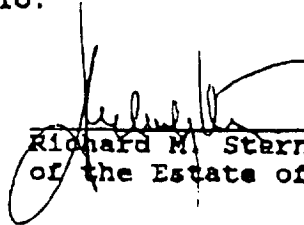

Joel Comlov

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THE UNDERSIGNED PARTY enters into this Stipulation and Order in the matter of United States v. Stern Enterprises, Inc., et al., Case No. 1:92CV1488, N.D. Ohio.

Date:

Sept 21, 1999



Richard M. Stern, as Co-Executor
of the Estate of Ernest Stern

THE UNDERSIGNED PARTY enters into this Stipulation and Order in the matter of United States v. Stern Enterprises, Inc., et al., Case No. 1:92CV1488, N.D. Ohio.

Date:

9/21/96

Regina A. Stern
Regina Stern, as Co-Executor
of the Estate of Ernest Stern

08/14/99 TUE 16:34 FAX 412 281 6622

WILLIAMS COULSON

015

SEP. 14. 1999 10:59AM USAO CIVIL DIVISION

NO. 8842 P. 13

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THE UNDERSIGNED PARTY enters into this stipulation and Order in the matter of United States v. Stern Enterprises, Inc., et al., Case No. 1:92CV1488, N.D. Ohio.

Date:

9/29/99

Lynda Coslov

Lynda Coslov, as Co-Executor
of the Estate of Ernest Stern

THE UNDERSIGNED PARTY enters into this Stipulation and Order in the matter of United States v. Stern Enterprises, Inc., et al., Case No. 1:92CV1488, N.D. Ohio.

Date: 9/21/99

Judy S. Guttman
Judy S. Guttman, as Co-Executor
of the Estate of Ernest Stern